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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,923	12/09/2003	Hitoshi Imai	00862.023355	2414

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

BAKER, CHARLOTTE M

ART UNIT	PAPER NUMBER
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2625

MAIL DATE	DELIVERY MODE
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07/27/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/729,923

Applicant(s)

IMAI, HITOSHI

Examiner

Charlotte M. Baker

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-14 is/are rejected.
- 7) ☒ Claim(s) 6 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/09/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. Claims 13 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The program claimed is merely a set of instructions per se. Since the program is merely a set of instructions not embodied on a computer readable medium to realize the computer program functionality, the claimed subject matter is non-statutory. See MPEP § 2106 IV.B.1.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7-11 and 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Shimizu (6,323,958).

Regarding claim 1: The structural elements of apparatus claim 7 perform all of the steps of method claim 1. Thus, claim 1 is rejected for the same reasons discussed in the rejection of claim 7.

Regarding claim 2: Shimizu satisfies all the elements of claim 1. The structural elements of apparatus claim 8 perform all of the steps of method claim 2. Thus, claim 2 is rejected for the same reasons discussed in the rejection of claim 8.

Art Unit: 2625

Regarding claim 3: Shimizu satisfies all the elements of claim 1. The structural elements of apparatus claim 9 perform all of the steps of method claim 3. Thus, claim 3 is rejected for the same reasons discussed in the rejection of claim 9.

Regarding claim 4: Shimizu satisfies all the elements of claim 3. The structural elements of apparatus claim 10 perform all of the steps of method claim 4. Thus, claim 4 is rejected for the same reasons discussed in the rejection of claim 10.

Regarding claim 5: Shimizu satisfies all the elements of claim 3. The structural elements of apparatus claim 11 perform all of the steps of method claim 5. Thus, claim 5 is rejected for the same reasons discussed in the rejection of claim 11.

Regarding claim 7: Shimizu discloses input means (Fig. 1, host computer 1) for inputting an image processing apparatus control code (Fig. 1, host computer 1); translation means (Fig. 1, CPU 12) for translating the image processing apparatus control code into a drawing object (col. 5, ln. 46-56); judging means (col. 10, ln. 7-17) for judging whether rendering of a drawing object is to be performed in an RGB format or YMCK format (col. 10, ln. 7-17); first rendering means (Fig. 9, soft renderer 406) for rendering a drawing object in one image, which has been obtained by translation by said translation means (Fig. 1, CPU 12), in the RGB format, thereby creating an RGB image (Fig. 9, soft renderer 406) (col. 9, ln. 25 through col. 10, ln. 60); second rendering means (Fig. 9, hard renderer 9) for rendering another drawing object in an image the same as said one image, which has been obtained by translation by said translation means (Fig. 1, CPU 12), in the YMCK format, thereby creating a YMCK image (Fig. 9) (col. 9, ln. 25 through col. 10, ln. 60); color conversion means (Fig. 9, color conversion 402) for color-converting the RGB image to a YMCK image; and output means (Fig. 9, printer engine 13) for outputting the YMCK

Art Unit: 2625

image created by said second rendering means (Fig. 9, hard renderer 9) and the YMCK image obtained by the color conversion by said color conversion means (Fig. 9, color conversion 402).

Regarding claim 8: Shimizu satisfies all the elements of claim 7. Shimizu further discloses wherein said input means (Fig. 1, host computer 1) inputs an image processing apparatus control code that employs YMC or color space information in a complementary-color relationship with YMC (col. 4, ln. 11-59) and (col. 5, ln. 46-56).

Regarding claim 9: Shimizu satisfies all the elements of claim 7. Shimizu further discloses grouping means for dividing a plurality of drawing objects (Fig. 9, YMCK object and RGB object) into one or a plurality group areas (Fig. 9, banding and full paint); and attribute deciding means (col. 10, ln. 7-17) for dividing the group area into a group in which rendering is performed in the RGB format (Fig. 9, soft renderer 406) or a group in which rendering is performed in the YMCK format (Fig. 9, hard renderer 9).

Regarding claim 10: Shimizu satisfies all the elements of claim 9. Shimizu further discloses first grouping means (YMCK object) for grouping one or a plurality of drawing objects as one group area if a plurality of drawing objects exist (YMCK object and RGB object); determination means (Fig. 10) for determining whether an ungrouped drawing object exists (col. 9, ln. 64 through col. 10, ln. 6); detecting means (col. 9, ln. 64 through col. 10, ln. 60) which, if an ungrouped drawing object exists, is for detecting whether said drawing object and the group area overlap (Fig. 9, banding and full paint); second grouping means (RGB object) which, if said drawing object and the group area do not overlap, is for making said drawing object a new group area (col. 9, ln. 64 through col. 10, ln. 60); and updating means which, if said drawing object and the group area overlap (Fig. 9, banding and full paint), is for incorporating the area of said

drawing object in the group area to thereby update the group area (col. 9, ln. 64 through col. 10, ln. 60) (Figs. 9-11).

Regarding claim 11: Shimizu satisfies all the elements of claim 9. Shimizu further discloses discriminating means for discriminating extent of a color difference that is produced by subjecting the group area to YMCK rendering (col. 8, ln. 44 through col. 9, ln. 24); first attribute deciding means which, if the color difference is outside an allowable range, is for adopting the group area as a group in which rendering is performed in the RGB format (col. 9, ln. 25 through col. 10, ln. 17); and second attribute deciding means which, if the color difference is within the allowable range, is for adopting the group area as a group in which rendering is performed in the YMCK format (col. 10, ln. 7-17).

Regarding claim 13: Arguments analogous to those stated in the rejection of claim 7 are applicable. A computer-readable recording medium storing a computer program is inherently taught as evidenced by host computer 1 and various memories stored therein.

Regarding claim 14: Shimizu satisfies all the elements of claim 13. Arguments analogous to those stated in the rejection of claim 7 are applicable. A computer-readable recording medium storing a computer program is inherently taught as evidenced by host computer 1 and various memories stored therein.

Allowable Subject Matter

3. Claims 6 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

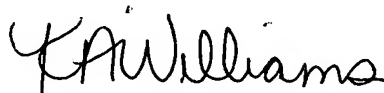
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shirasawa (US 2002/0122193 A1); Toda (6,963,412); Shimizu (6,490,055).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M. Baker whose telephone number is 571-272-7459. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CMB



KIMBERLY WILLIAMS
PRIMARY PATENT EXAMINER